

2010 NOV -1 PM 3:14

NMAC TRANSMITTAL FORM

1.24.10 NMAC

[Sequence # _____]

1. Issuing Agency Department of Game & Fish-Wildlife Management Division	2. Agency Code (DFA) 516
---	-----------------------------

3. Agency Address P.O. Box 25112 – ONE WILDLIFE WAY, Santa Fe, New Mexico 87507
--

4. Contact Person			
Name	Darrel Weybright	Phone #	(505) 476-8035 FAX (505) 476-8127
E-mail	darrel.veybright@state.nm.us		

5. Type of Rule Action									
New	<input type="checkbox"/>	Amendment	<input checked="" type="checkbox"/>	Renumber	<input type="checkbox"/>	Repeal	<input type="checkbox"/>	Emergency	<input checked="" type="checkbox"/>

6. Total number of pages:	1	7. Hearing date:	October 28, 2010	8. Effective date:	November 1, 2010
---------------------------	---	------------------	------------------	--------------------	------------------

9. NMAC Number		
Title	Chapter	Part
19	32	2

10. NMAC Name		
Title	Chapter	Part
Natural Resources and Wildlife	Trapping and Furbearers	Method, Season, Dates, and Bag Limits

11. Amendment Description	12. Amendment's NMAC Citation

13. Most recent filing date (if applicable)		
4	1	2007

14. Are there any materials incorporated by reference?	
No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>	Reference / Internet site
<i>Please list attachments and Internet site(s) if applicable</i>	1. _____
	2. _____
	3. _____

15. If materials are attached, has copyright permission been received?		
No	<input checked="" type="checkbox"/>	Yes <input type="checkbox"/>
		Public domain <input type="checkbox"/>

16. Legal citation(s) that allows the <i>Issuing Agency</i> to regulate and the <i>Issuing Authority</i> to promulgate regulations on this subject (provide all that apply).
17-1-14/17-1-26/17-2-5 NMAC 1978

17. Signature & Title of Issuing Authority (<i>Delegated authority must be on file</i>)	
Name: <u>Tod Stevenson</u>	Check if delegated authority <input type="checkbox"/>
Title: <u>Director</u>	
<u>Tod W. Stevenson</u> Signature	<u>11-01-2010</u> Date Signed

2010 NOV -1 PM 3:14

This is an emergency amendment to 19.32.2 NMAC, Section 10, effective 11-1-2010.

19.32.2.10 MANNER AND METHOD OF TAKING FURBEARERS:

A. Legal methods of taking shall include dogs, firearms, bows and arrows, or traps and snares as further restricted below.

B. The following restrictions on traps and snares shall apply to the setting of any trap or snare that could reasonably be expected to catch a protected furbearer.

(1) Identification of the trap user shall be such that each trap or snare used in the taking of wild animals must be either permanently marked with a user-identification number that is issued by the department of game and fish, or be permanently marked with the name and address of the trapper using the trap or snare.

(2) No foot hold trap with an outside spread larger than 7 inches if laminated above the jaw surfaces or tooth jawed traps, shall be used in making a land set. All foot-hold traps with an inside jaw spread equal to or greater than 5.5 inches shall be offset.

(3) No land set shall be placed within 1/4 mile of an occupied dwelling without prior, written permission of the occupant of the dwelling, except for a land set placed by a landowner on his own land.

(4) No land set shall be placed within 1/4 mile of an established public campground, roadside rest area, picnic area, or boat-launching area.

(5) No land set shall be placed within 25 yards of any forest service or bureau of land management system trail designated on agency maps provided for the general public or within 25 yards of the shoulder of any public road that is annually maintained with public funds as follows: when a boundary fence is present, sets must be made on the side of the fence opposite the road.

(6) No land set shall be placed within 50 yards of any man-made livestock or wildlife catchment, pond or tank containing water, except on private land with written permission from the landowner.

(7) No steel trap with an inside jaw spread larger than 7.5 inches or conibear-type trap with a jaw spread greater than 12 inches shall be used in making a water set.

(8) It shall be illegal to place, set or maintain any steel trap or snare within 25 feet of bait that is at all visible from any angle and that consist of the flesh, hide, fur, viscera, or feathers of any animal; provided, however, that a cubby set shall be legal when set where the bait cannot be seen except from a height of 3 feet or less above ground level and at a maximum distance of 25 feet. The bait must be inside the natural or man-made cubby but the steel trap may be outside. Bones that are entirely free of flesh, hide, fur or feathers may be used as visible bait. The restriction on visible bait shall not apply to a trap flag that is suspended above the ground and that is made from materials other than parts of mammals, birds, fish, reptiles, or amphibians.

(9) No conibear type trap with an inside jaw spread greater than seven (7) inches may be set on land and must be used in conjunction with a cubby set such that the trap trigger is recessed in the cubby at least eight (8) inches from an entrance. Conibear type traps with an inside jaw spread less than six (6) inches are not required to be used in conjunction with a cubby set.

(10) Commencing November 1, 2010, for a minimum of six months, it shall be illegal to place, set or maintain any steel trap, conibear trap, foothold trap or snare anywhere on public land within the Gila or Apache national forests in New Mexico, unless otherwise allowed by statute. The prohibition shall remain in place until the state game commission takes action based upon a department study to assess the risks to Mexican gray wolves due to trapping and a determination if some methods of trapping could be allowed that pose minimal risk of injury to the Mexican gray wolf.

[4-1-95, 19.32.2.10 NMAC - Rn, 19 NMAC 32.1.10, 9-29-00; A, 4-1-03; A, 4-1-07; A/E, 11-1-10]

Dated at Mescalero, New Mexico, this 28th day of October, 2010.

STATE GAME COMMISSION



Jim McClintic, Chairman

ATTEST:



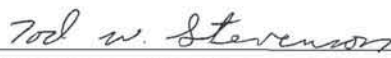
Tod Stevenson, Secretary

CERTIFICATE OF AUTHENTICATION

State of New Mexico)
) ss
County of Otero)

I, **Tod Stevenson**, Director of the Department of Game and Fish of the State of New Mexico, do hereby certify that the foregoing amendment to regulation 19.32.2 NMAC Trapping and Furbearers is a true copy of said amendment of the State Game Commission of the State of New Mexico; that said amendment has been adopted, signed, and filed in the office of the Director in accordance with Section 17-2-5, New Mexico Statutes Annotated, 1978 Compilation, and in the office of the State Records Center of the State of New Mexico in accordance with Section 14-4-1, New Mexico Statutes Annotated, 1978 Compilation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the Director at Santa Fe, New Mexico, this 28th day of October, 2010.



Tod Stevenson, Director



19.32.2 NMAC

October 28, 2010